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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,963	07/10/2001	Claudine Guerin-Marchand	010830-118	8667

21839 7590 09/07/2005

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EXAMINER

FOLEY, SHANON A

ART UNIT PAPER NUMBER

1648

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/900,963

Examiner

Shanon Foley

Applicant(s)

GUERIN-MARCHAND ET AL.

Art Unit


1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet


Shanon Foley
Primary Examiner
Art Unit: 1648

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Item 7 - Other reasons for holding abandonment: The most recent sequence listing and CRF submissions filed August 27, 2004 in response to the letter of July 27, 2004, does not match the sequence listing to the priority document. For example, the original sequence of SEQ ID NO: 38 is a nucleic acid sequence of 1493 nucleotides in length. However, the sequence submission of August 27, 2004 lists SEQ ID NO: 38 as an amino acid sequence of 318 residues in length. Discrepancies of this nature continue until SEQ ID NO: 46. Also, the submission of August 27, 2004 lists SEQ ID NO: 47, which is a 496 amino acid sequence. It is not clear where this sequence is derived from as the original disclosure of '327 only had 46 sequences. It is noted that the amendment to the specification and claims of August 27, 2004 incorporates sequence identifiers as requested by the Office. However, due to the errors in the sequence listing, the elected invention cannot be properly searched. For example, SEQ ID NO: 43 of amended claim 28 originally had 12 nucleotides, but now is a protein of 497 amino acids. Since the amendment fails to fully comply with the sequence rules under 37 CFR 1.821-1.825 for a third time, this application is properly abandoned under 37 CFR 1.821 (g).



SHANON FOLEY
PRIMARY EXAMINER